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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

NORBERTO MORENO,

Plaintiff(s),

v.

No. 3:11-cv-6227-TC

SOUTHERN WINE GROUP, LLC,
an Oregon company, and
CHRISTOPHER KIRK ERMISCH,
a person.

Defendant(s),

**DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO
RESPOND TO DEFENDANT'S
MOTION TO DISMISS**

The Court should deny Plaintiff's last minute request for a second extension of time to respond to Defendants' motion to dismiss. Plaintiff requests a second extension contending that Plaintiff is travelling out of the country for a wedding of Plaintiff's son. However, during Plaintiff's first request for an extension of time, at the end of August, to which Defendants graciously agreed, Plaintiff did not mention of this planned wedding travel. Nor is this timely requested, but instead only on the day the response is due.

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3 Additionally, Plaintiff disingenuously fails to inform the Court that
4 Plaintiff's son and fiancé, live in Portland, Oregon! The travel that takes
5 Plaintiff out of country, Argentina, is travel to the United States. In fact, the
6 wedding occurred in Las Vegas on September 10, 2011. The wedding registry
7 was at Macy's in Oregon. Plaintiff is just trying to delay the inevitable and is
8 not being candid or forthcoming to the Court.

9
10 Plaintiff's motion lacks "good cause". *See Hernandez v. Mario's Auto*
11 *Sales, Inc.*, 617 F. Supp. 2d 488, 491-92 (S.D. Tex. 2009) (plaintiff's scheduled
12 family vacation is not good cause for a protective order to extend the time for a
13 deposition of the plaintiff). "Good cause" to extend a deadline requires at a
14 minimum that "the party seeking relief to show that the deadlines cannot
15 reasonably be met despite the diligence of the party needing the extension."
16 *Corkrey v. Internal Revenue Serv.*, 192 F.R.D. 66, 67 (N.D.N.Y. 2000) (quoting
17 *Robinson v. Town of Colonie*, No. 91-CV-1355, 1993 WL 191166, at *3
18 (N.D.N.Y. June 3, 1993). Here, Plaintiff has not even made any attempt to
19 show diligence, let alone good cause. Because clearly diligence is wholly absent.
20

21 Plaintiff's motion is not for "good cause" and should be dismissed and the
22 merits of Defendants' solid motion to dismiss ruled upon

23 DATED This September 16, 2011

/s/ Kurt M. Rylander

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